

REMARKS

The Examiner's action of November 7, 2003 is noted in which Claim 4 is said to contain allowable subject matter and in which the remainder of the claims are rejected under 35 USC 102 as being anticipated by Engstrom; or as being anticipated by a combination of Engstrom and either Shires or Irwin et al.

Applicant has amended the claims to specifically point out that the probe is separate from the test instrument, unlike Engstrom, and that the remote viewing display is non-integral to the probe and is in fact separate from the probe, but for being directly attached to the probe during use.

Nowhere is this shown or taught in the art cited. The main reference, the Engstrom reference, is a rectal thermometer with electronic apparatus and the display integral to the thermometer.

Thus the Engstrom reference teaches away from the claimed invention.

Neither Shires nor Irwin add anything to Engstrom to teach the claimed subject matter. In Shires, there is no separate remote viewing display and certainly there is no display that is separate from the probe. Rather, any display (LED) is integral in Shires.

As to Irwin et al., there is no separate display and in fact there is no separate test instrument, everything being integral in Irwin et al.

For these reasons, it is asserted that the present Amendment places the Application in condition for allowance. Allowance of the claims and issuance of the case is therefore earnestly solicited. Alternatively, entry of this Amendment for purposes of appeal is requested.

Respectfully Submitted,



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